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In other words, if they think the property of the stock to be become? In other words, arean, does the law of New Jersey substantially adopt the rule of Handley varies, materially adopt the rule of Handley varies, material of the par value of the stock. In other was a varies, material of the par value of the stock. In other was a value, material of the par value of the stock. In other was a value, material of the par value of the stock. In other was a value of the stock of the poisoner, so he began to feed his ample peelings to a horse of Samuel Silverman. A mineral water design of Silverman and the did not know that the horse information of the horse in the horse information of the horse had outlered at the hands of the horse pretty carefully and the arrest of the poisoner, so he began to feed his ample peelings to a horse of Samuel Silverman. A mineral water design of Silverman.

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Determine the did not know that nearly at the horse information on the horse of the horse of the poisoner, so he began to feed his ample peelings to a horse of Samuel Silverman. A mineral water design of Samuel Silverman and the horse that nearly and the horse information of the horse of the poisoner. So he began to feed his ample peelings to a horse of Samuel Silverman and the horse of the horse of

enstaining a negative answer, we admit that there is large room for doubt. And we submit that the court should not attempt to decide the question, which is one of great practical importance, until a case shall be resented which requires it, and that this is not such a case. That it is not such a case appears from the following considerations: "That in determining the value of the Forty new teachers were appointed yester-property to be received the directors are day by the School Board of the borough of to consider as such value the worth to the company, including whatever may give to the

property immediate value in its hands. That it appears unconfradicted by the affidavits of all the directors but two, who consequence. are absent, that they consider that which is a be received in the proposed transaction worth to the company more than \$45,200,000

That if it be assumed that the value to be determined is the value in the hands of the present owners, it appears by the evidence that the plants and appurtenant property, with, say, \$4,000,000 of working apital, are now worth, in the hands of the touggenneims, as an independent and competing concern, more than \$39,200,000, this

peting concern, more than \$39,200,000, this being the \$45,200,000, leas the \$6,000,000 of each, in addition to \$6,000,000 of working capital to be received.

The statement was signed by all of the counsel for the defendants and was presented by M. Intermyer. When Mr. Untermyer had finished reading it, the Vice-Chancellor, replying to it briefly, made a statement which is red considerably the feelings of the defendant's counsel. The Vice-Chancellor said:

The vectamined with some care the statute governing 'conscious overvaluation as the statute is applicable in this case. The statutory definition of that term, 'conscious overvaluation,' is that it constitutes a fraud. Consequently, it seems to me that this case resolves itself largely into the question whether the action of these directors, in appraising the various interests concerned as they have, warrants the assumption that their valuation had been deliberately inflated. deliberately inflated

heen deliberately inhated hether the defendants' counsel thought as necessary to reply to this argument or Mr. Untermyer seemed to make it the use for asking the indulgence of the Court the might be heard for a few minutes as personal counsel of the Guggenheims. He is that he felt it to be necessary to add a do the argument which he had made on

said that he felt it to be necessary to add a word to the argument which he had made on Monday.

The transaction was based upon sound husiness principles, he said. Is it to be supposed that such an arrangement would have been entered into had not both sides been conscious of its advantages? Let me call your Honor's attention to some or the other great corporate interests of this country. Take the so-called oil and sugar trusts. They are striking business successes, but at their inception their stock was greatly depreciated. But so soon as consolidation and merger had taken place, the stock of both corporations imped above par.

Is it to be supposed that his arrangement would have been conceived in advance if all the interests involved had not known that each was negotiationg with those who knew the value of what they were acquiring? Most emphatically they would not. It is true that there are in this State frequent evasions of the statutes governing corporations, but permit me to say to your Honor, in all seriousness, that never was there a case freer from all evacion than this.

mit me to say to your Honor, in all seriousness, that never was there a case freer from all evation than this?

Richart V. Lindabury made the closing argument for the plaintiffs. In part he said:

If your Honor please, the wisdom of axes long gone by denounced usury, and the wisdom of these I ter days likewise has denounced the practice of watering stock. Every one knows that the strictures of New Jersey have become the plaything of Wall Street that under them, with the thinnest sort of substerfuce, the halasst excuse, stock from which the water overflows is being constantly issue. It is a well-known fact that the statutes of this State are being openly evaded in New York at the behest of Wall Street, and largely for speculative interests. The directors of the American Smelting and. Refining Company, no worse and no better than the directors of many other conjunctions, have resorted to the bodiest evaluate the statutes.

"Their act, by their want tests one, was

Another he has a proposed a use of of the corporation law regulators the issue of stock for cash. No one substant a vount sink somitary or a ion to be into would believe that Mr Guggen a can be took to turn into the treasury of the corporation Scaling and Reining company's reached in hard cash in return for \$17,000,000 worth of the company's stock. Nobody of the name of Guggenheim would ever be so ingenious as that H, for the sake of argument, it is assumed that the directors a test in good faith, then, under the very statutes the sake he ever they have gone beyond their power If they

the very statutes there were it ev e they have gone beyond their power. If they acted in bad faith, then they have been guilty of a fraud, and it is the dute of this Court to step in and stop it Boes your Honor believe for one moment that the stock of the American Smelting and Reffining Company is worth \$100 a share? Why, it, it has not sold above 400 r 50 since it was issued."

"But you must admit, interrupted Mr. Intermyer, that the stock sold at par just before this suit beaan.

"Oh, yes," replied Mr. Lindabury, "I admit that I stimit that in the history of this company there have been learn years and fatters. The status there were when the Children of brines went bown into the land of Egypt But I con't ake these interruptions. Much as I would like to carry on a long conversaus I would like to carry on a long conversa-tion with the counsel. I beg to be solowed to proceed without further interruption.

tion with the counsel. I beg to be molowed to proceed without further interruption.

Mr. Lindabury then claberated his argument to prove that an overvaluation of the American Smeiting and Refining Company's stock had been made, that an overvaluation of the furgenheius properties had been made, that in consequence, the directors had been guilty of fraud.

And now, your Honor, continued Mr. Lindabury, I have but one word more to add. Should your Honor's decision be adverse to these complainants, thereby removing the temporary restraint upon the proposed consolidation and merger, those who have sought to put the deal through will not lose a moment's time in accomplishing what they hoped to have accomplished long ago. In that event a review of the case by the higher court would hold no benefit for the stockholders who have so stremaously fought to conserve the best interests of their company. The instant the stay is removed.

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The first is thus. May the director's properly used a four for property when in their brigment the property when in their brigment the property is not worth the common along. He did not know that nextly

"We answer this question is not justified, inder the New Jersey las, in issuing stock, whether for cash of for other property to an amount at par greater than what, in their judgment, that which they are to receive is worth.

The second question is If it is evident that the directors intend to go counter to this rule, may equity entoin them? I pun this question, while submitting that the language of the case tited goes far toward language.

charged My goodness, I was never in such a neigh-borhood in my life, sald he, as he hurrled back to Brooklyn

SCHOOL AFFAIRS IN QUEENS

Forty New Teachers Appointed Dissatisfaction at Reports of Comptroller Coler's Engineers.

Queens at a meeting held in Flushing. There has existed that number of vacancies in the teaching staff for more than a year, and several schools have been badly crippled in

It has developed that Comptroller Coler has been sending engineers to the different school buildings in Queens to ascertain whether or not the statements as to their crowded condition were true. The reports of the engineers were against the need of additional buildings. In order to show that the engineers did not make a proper investigation and that their reports do not present the true condition of afairs in the borough. Superintendent of Schools Stevens prepared a tabulated report and presented it at yesterday's meeting. His report shows that the total registration in the borough schools in February was 23.447 of that number of pupils 2,208 were placed in hallways, aisles of class rooms and in the assembly rooms of buildings.

Su t Stevens said that an appropriation had been sought to build an addition to School No 7 in Long Island City, and that Comptroller Coler's engineer had reported that the addition was not needed. Mr. Stevens said that the engineer not only overlooked the overcrowded class rooms but failed to report that the assembly room in the building had been divided up into six class rooms, and that the school suffered in consequence. been sending engineers to the different school

DRENCHED WITH OIL OF VITRIOL. Errand Boy Painfully Burned, but Dispensary Attendants Wouldn't Help Him.

While George Schaaf, an errand boy, 14 ears old, was carrying a half-gallon bottle afternoon, the bottle was smashed and the stuff soaked his trousers and shoes. Passersby cut off the boy's shoes and clothing and after applying mud to the inflamed skin, carried him into the New York Dispensary at 137 Centre street. There were no doctors and the attendants could not furnish antido-tal applications without a physician's order. Adolph Normandesu, a desler in oils, car-ried the screaming boy to his store at 13% Centre street, and applied caustic soda and aqua ammonia to his burning skin until the oil of vitriol was neutralized. Then the boy was taken nome to 238 Humboldt street, Brook-lyn, by his employer. there to attend him because it was after hours,

Justice Gaynor Upholds Receiver Reiss. Supreme Court Justice Gaynor of Brooklyn yesterday handed down a decision, denying the motion of the North Side Bank for the removal of Bert Reiss as receiver of the John Good Cordage Company. He says that he found nothing whatever in the papers show-

The motion to remove the receiver is denied with \$10 costs. But to put everything beyond doubt, I direct that the receiver make up and file a full account, which I shall thoroughly examine, and in the meantime I reserve the matter for final decision."

Mr. Kempson Not Released From Jall.

NEW BRUNSWICK, N. J., March 5 -An effort was made to-day in the Court of Errors by Robert Adrian, counsel for St. George Kemp-on, editor of the New York Insurance Journal, to secure the release of Mr. Kemp son from the county jail here, where he has been confined for some months for contempt of the Court of Chancery in disregarding an injuntion that prevented him continuing a suit for divorce in bakota. Alan H Strong, for Mrs. Kempson No. 1. opposed the motion to release Kempson. The Court gave no de-

Twenty Years for Killing His Wife and Three Sons.

PERIN. Ill., March 5. - The jury in the case of Samuel Mosher, who murdered his wife and three sons on May 13, owing to troubles with Amish religious sect, brought in a ver-dict of guilty this morning. He was sentenced by Judge Puterbaugh to twenty-one years in the penintentiary. The trial lasted over two weeks and was marked by many denunciations of the Amish religion.

Bunco King Stays in Jall a While.

Detective Sergeants Becker and Judge arrested Charles Lane, "The King of Confidence Men" on Monday night at Broadway and Thirty-fourth street. The "King" gave his address as 142 East Seventeenth street. The detectives accused him of working swindles on farmers, but made no specific charge against him in court yesterday, so Magistrate Official dethin go

holders who have so strendously fought to conserve the best interests of their company. The instant the stay is removed, the agreement between the company and the Guggenheims would be put into effect so quickly that it would make our heads ewim. Then the mischief would be done, and the Court of Errors and Appeals would be powerless to assist us. I hope, therefore, that your Honor will be considerate.

Bridges to erect a storm shelter at the Manhattan end of the Brocklyn Bridge.

No Better Home Papers Published than The Sun and Evening Sun Embedding as they do all up-to-date fashion and society notes, and other matters cultivating and refining in their influence and of interest to all women.—Adv.

CORPORATIONS PROTEST.

STRONG OBJECTIONS RAISED IN THE ----Mane far at the Hearing Phar It Wante inches

Corporations from the teste ttrangest tremmente teatest the fee en Manufart artes and small fretdend Concerne

tensor. Moreh a contrass of the title immended by Gov Colett which care utiract tages to being additional revenues annually into the State Treasury committee in he passent upon he the Taustins form taxing books of deposit. The fill refer bit to that broadening the event of the existing ing the method of taking such corporations. Puts bill was introduced by Menator Krim, and Assembly out M. E. Lewis, and it was thousand finites at a bearing before the o issue additional revenue from this source would account to the State

revenue armawhat near this amount will be revenue armawhat near this amount will be revenue armawhat near this amount will be reported for The members of the committee bridge attributed at the hearing has the last. It will be Reported and Passed Without that the top my man not optimized as his as. cevenue armeens near this amount will be provided for The combers of the committee stain problem presented by this bill was the harmest but they had to crack. In fact, it was apparent from the scietions of the mem-bers of the committee that they were looking for internation from the representatives of the corporations present which would lead to the drafting of a new measure that would raise the revenue desired and at the same facted the argument of those who obso ted to the bill was that the present provislone of the corporation Franchise Tax law rould be allowed to stand, that the organizaton the aboutd he reduced from one-sightly o see-twentieth of a per cent and the the Bracket bills amending the stock and general corneration laws to accordance with tory Odell's recommendations that they be libershould be passed. If this is done it is asserted that so per cent of the capital of corporations now organized in New Jersey. West Virginia. Delaw are and Maine, which represents holdings of residents of New York State, would come inder the jurisdiction of New York State through re-incorporation here. This would mean. It was argued, that instead of the State securing annually \$475,000 from its organization tax, it would get in the neighborhood of \$2,000,000. Then there would be the additional property to tax if these corporations came here under the other different taxation laws which such corporations are subject to

incorporated here rather than in New Jersey had the above laws mentioned been enacted as had been expected on account of Gov Odell's recommendations in his message It was further intimated that if the Brackets bills were passed and the organization tax lowered to the point specified, the steel combination even yet might organize under the laws of this State, which, at the rate of onetwentieth of i per cent of an organization tax would turn into the State treasury \$425, 600. In fact, former Attorney-General Simon ooe. In fact, former Attorney-General Simon W Rosendale, at the hearing to-day, said that the binancial men who were instrumental in organizing the big corporations which went to New Jersey and other States were as solicitous of the commercial supremacy of New York as any other citizen here, but that the lawyers who had charge of the legal difficulties surrounding the organization of such immense combinations of capital felt impetied to advise their clients to go to States where the Corporation laws were not only more liberal, but less onerous. Frank White, who for years had charge of the corporation bureau in the Secretary of State's office, and who expressed many of the opinions apove referred to, told the tom-

It was said that the Steel Trust would have

of State's office, and who expressed many of the opinions above referred to, told the tommittee that laws were wanted that would bring capital into the State. Then the existing methods of taxation would be sufficient to raise the additional revenues sought by the bill under discussion. It was another case of quantity rather than quality. He asserted that the ordinary corporations having a capital of from \$250,000 to \$1,000,000 usually on incorporating wont to States where the big combinations of capital sought refuge. He thought if the New York States were so changed as to induce two or three of the latter to organize in this State they would all flock to this State for incorporation.

three of the latter to organize in this State they would all flock to this State for incorporation. Mr. Charles E. Kümer of New York city, the corporation tax expert, who for several years was the head of the Corporation Tax Bureau in the State Comptroller's Department, had several amendments to offer at the hearing to-day.

The Krum bill, "said Mr. Klimer, "includes all classes of corporations except banks, savings banks, institutions for savings, title guaranty, insurance or surety corporations, elevated railroads or railroads not operated by steam, water, gas, steam heating and electric light and power companies, liable for assessment under Sections 185 and 186 of chapter 908, laws of New York, 1986.

"It provides that all domestic corporations liable for the tax shall be assessed upon the authorized capital stock, no matter whether the issued capital stock is wholly employed in the State of New York, or emplored outside of the State of New York.

"It also provides that foreign corporations doing business in the State of New York shall be taxed only on that pertion of the capital stock employed in the State of New York, computed upon a proportionate basis, if a domestic corporation does not make or declare any dividend, the capital stock is assessed at it, mills, the same as if it had declared a dividend of 5 per cent.

"Section 190 of Chapter ais, laws of 1896, allowing corporations that have not declared a dividend of the State with the same as if it had declared a dividend of 5 per cent. The bill, imposing as it does a tax on capital stock, was changed to a tax on capital stock was changed to a tax on capital stock, was changed to a tax on capital stock was change

of the Comptroller because of inability to collect the same by reason of inherent defects in the law itself.

It think it was in 1890 that the Committee on Taxation and Retrenchment, composed of Senators Irwin, Vedder, Coggeshall, Van Gorder, Cantor and others, investigated as to why corporations went to New Jersey and other States to organize. The main reasons advanced were that the stringency of the New York laws in relation to the liability of officers and stockholders was so great, and the limitations of the powers conferred on corporations were so narrow, that people preferred to organize corporations in other States.

I would most respectfully suggest that if the Legislature is determined to pass a bill taxing domestic business corporations, whether manufacturing or not, an amendment should be made allowing domestic corporations, so that only that portion of the capital stock of a domestic corporation which is employed in the State of New York be taxed, and that companies paying dividends less than 5 per cent, and companies that do not pay any dividends be allowed to appraise the capital stock.

Mr. Lawson Purdy, Secretary of the New York Tax Reform Association, said

This amendment is unjust and unwise because it discriminates against companies incorporated in New York State in favor of foreign corporations. If this amendment is adopted all domestic corporations which have property outside of the State will rencorporate elsewhere, it is possible for them to do so. The fact that the tax is the same upon a domestic company, whether or not its property is entirely within this State, produces results the injustices of which are grotesque.

The tax upon the New York Central Rail-

not its property is entirely within this State, produces results the injustices of which are grotesque.

The tax upon the New York Central Railroad will be reduced 8 per cent, and the tax upon the Eric Railroad increased 1.650 per cent. That is, the Eric Railroad will have to pay nearly seventeen times as much on account of this tax as it does now. When I noticed that the United States Express Company would have its tax increased about 1.600 per cent, it seemed probable that the bill would be amended. That is only a slight increase, however, as compared with that which is imposed upon some of the companies selected at random from the Comptroller's report. The New York and Bermudez Company is increased 8,300 per cent and the little Chief Mining Company gets a raise of 20.800 per cent. The Little Chief gets hit so hard because only about 1-250 of its property is in the State of New York.

This bill is not likely to pass without opposition from some of the railroads, for there are others that get raised besides the Eric. The New York, Ontario and Western will pay \$81,250 instead of \$12,900, the Lake Shore and Michigan Southern will pay \$87,500 instead of \$3,471. Some of the telegraph companies

with a good doal of property outside the state are likely to disapprove this hill. The Western Union is raised from \$42,000 to \$135,000, the control and South Austrean Pringraph temporary with very little property here, is raised from \$43,000 to \$12,000.

Your few comparation of large capital incorporate in the Market, but occasionally one hands. File decident throughout throughout the state of the with \$50,000,000 capital one incorporated in Petersary, 1990. If pand on Justice Last years in the capital stook, pro habity forequest if a second of the capital stook, pro habity forequest if a magnetic object of the pand of the capital stook, pro habity forequest if a second of the capital stook, pro habity forequest if a second of the capital stook, pro habity forequest in the capital stook and capital stooks.

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WOLLD MAKE A MES VALION OF DEWEY.

Pastor Wants to Pile 1 p Saloons and Let

Paster Wants to Pile to Saloons and Let Admiral's Fleet Bave Jan With Phem.

New Browsep & V. J. March 5. The Rev F. A De Maris, the soung pastor of the University of the Company Methods Church, in he farewell sermon on Sunday attacked the saloons and social exist of the place.

I should be glad to see the entire number of American soloons. The said, including the army canteens piled in a bespion the blad of the Atlantic Highlands and Atlantial Dewy's Steel Police Atlantic Highlands and Atlantial Dewy's Steel Police and the process of the stocends there would be man to give the word Fire to the men of the man to give the word Fire to the men of the man to give the word Fire to the men of the than to give the word Fire to the men of the than to give the word Fire to the men of the than to give the word Fire to the men of the greatest destruction of hell impatture that the world has every send his victory fact was placed to the planting for the planting for a month both the Broat and the proposed to the day of the planting for a month both the Broat and the proposed to the said of the planting for a month both the Broat and the proposed to the blad the planting for a month both the Broat and the proposed to the blad to explain the company that would be a thousand times greater than the one at Manila, I would be ready to the work some in which the planting for a month both the Broat and the world has every send has victory find the planting for a month both the Broat and the proposed to the planting in the planting in the planting of the was planting flow. Spained Coat.

John H. Thompson's Dog Lost.

Police Alarm Out for "Saint." Who Has a line specified is not to be interfered with the world the action of the planting in the peans and the planting in the peans and the planting in the peans to planting in the pean of the planting in the peans and was present to be subjected ton the present planting in the pean of the planting in the pean of

street, living at 36 East Thirtieth street, asked Sergt Porter at the West Thirtieth street police station last night to send out a general alarm for his blue Belten setter "Saint," which he exhibited at the last dog show in Madison Square Garden. Mr. Thompson said that he brought the dog from North Carolina five years ago. Saint could easily be recognized, he said, because the dog had several indico blue spots on his hide. A boy took him out for a walk a week ago and lost him. The alarm was sent out.

DO T EXPLORE STRANGE BASEMENTS. For If You Do Commissioner Murphy's Watchful Cops May Lock You Up.

Mindful of Commissioner Murphy's warning that only cops who do their work will be men whom he saw going in and out of base-ments in Seventieth street between Amster-dam and West End avenues last night. They

Frederick Speicher, a clerk in the grocery of John Betsch at 7 Beaver street, Williamsburg, early yesterday morning while in a room back of the store was awakened by room back of the store was awakened by a noise in the ceilar. He found there Frank Liebler and Frederick Alstead, both of Willsamsburg, who ran away, and when he followed one of the men, who, he says, was Liebler, fired at him. The two men were caught by Policeman Kenlenback and on a charge of attempted burglary and an additional charge of assault and carrying concelled weapons against Liebler, they were held in the Ewen street police court by Magistrate Lemon, Liebler in \$2.500 and Alstead in \$1.000 ball for a hearing Friday.

A thief attempted to break into the house occupied by the Benedictine Sisters in Bar bara street. Newark, early yesterday mornbara street. Newark, early yesterday morning. Seven nuns, all of whom are teachers in St. Benedict's parochial school near by, occupy the house, and Sister Alberta, one of their number, heard the intruder and got up and struck a light. This probably frishtened the would-be burglar, for he disappeared Later when the sisters went into the school they found that it had been broken open. A number of desks had been ransacked, but little of value was stolen.

Montagu White Called to France.

Montagu White, former Consul-General f the South African Republic in London. who has been in this country during the past weive months on business for his Government le t New York yesterday on the Kaiser Wilhein, der Grosse for France. He was called by cable to be present at an international conference of Boer sympathizers to be held in Paris on March 12, to consider steps to be taken for future action on behalf of the independence of the South African republics. twelve months on business for his Govern-



THE STATE LEGISLATURE. LARREST PARKET BILLA WARING AR

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passage.

Senator Malby's bill defining in the penal code offences against the election laws and prescribing the penalties was attacked by the bemocratic Senators. It was, however, ordered to a third reading. Supt John Metuliagh of the Metropolitan Election District recommended the bill in his annual report and its provisions apply to the whole State.

The Assembly to-day advanced to a third reading a bill by Mr. Weekes permitting Mary Kinneally to go before the Court of claims and prove her identity as next of kin to William A Konnilly. The latter died about thirty years ago without any known heirs, leaving an estate of \$200,000. Through various means the estate dwindled down to about \$60,000, and this was turned over to the State. The Kinneally woman comes forward now with a claim that she is a relative of Kinnelly's.

the State. The Kinneally woman comes forward now with a claim that she is a relative of Kinnily's.

The Senate passed Senator Brown's bill requiring cities of the second and third class to file annually reports of their financial condition with the Secretary of State and Senator Brackett's compelling lackmen to keep off Broadway in Saratoga and creating a general stand for them.

Senator Brown introduced a bill providing that firearms shall not be used to take birds or game on Sunday.

Senator Slater has a bill which allows to practice his profession without examination any person affected by a State law for licensing practitioners in any profession, providing he was practising such profession at the time the law was passed.

Assembly man Adler introduced a hill requiring steamship and railroad companies engaged in transmitting and forwarding money in conjunction with the sale of tickets to a foreign country to file a bond in the sum of \$20,000 with the State Comptroller.

Assemblyman Bennett introduced a concurrent resolution amending the Constitution so that veterans of the Spanish-American War can be included for preference in appointments for State, county or municipal positions. The Assembly passed these bills:

Mr. Kelly's, providing that an undertaker's claim shall be paid within thirty days.

Mr. Mathew's, setting aside a pier at the foot of Noble street. Brooklyn, for recreation purposes. purposes.

CIVIL SERVICE LAW VIOLATIONS. Report of Inspector Briscoe of the State Commission.

ALBANT, March 5 .- The report of Inspector S. William Briscoe of the State Civil Service Commission regarding his visitation work during the year among the municipal com-missions, just made public, shows that the administration of the Civil Service law throughministration of the Civil Service law throughout the cities of the State is being efficiently enforced. At the same time there were some instances when the rules were not effectually enforced, and in some cases where they were deliberately violated. In six cases the rules were violated with apparent intent. In two cases out of the six, the Mayor requested the resignation of the commission then in office and appointed a new one.

Inspector Briscoe believes that each municipal commission should be visited at least once a year. This is about all that is possible with the services of one man, and even then he cannot give the proper attention demanded. It is therefore recommended that three representatives be employed.

The transfer of a person from a place in one class to a place in another class, or the assignment of a person under any title not appropriate to the duties to be performed, is unlawful. This provision is constantly violated. Persons holding places in the exempt class or in the labor class are transferred or assigned to perform duties attached to places in the competitive class. out the cities of the State is being efficiently

GRIP HAS KILLED OVER 50.000. State Health Board Reports 3,000 Deaths

ALBANY, March 5 .- According to the bulletin of the State Board of Health for January, of the twelfth recurrence of grip—lt affected the mortality of December by about 500, increased in January the number of deaths by probably 3,000, and was still in progress in February when the bulletin went to press. Last year the grip caused 11,500 deaths in the State and during the ten years previous to last year, beginning with 1800, fully 50,000 deaths in this State are attributed to grip epidemics. issued to-day, the State is now in

Richmond Beach Railway Incorporated. ALBANY, March 5 - The Richmond Beach Railway Compan of Richmond borough. Raiway Compan of Richmond porough, New York city, was incorporated to-day to operate a steam or electric road one and one-quarter miles iong from Arbutus Lake to the tracks of the Staten Island Rapid Transit Railroad near Anandale Station, Staten Island The company has a capital of \$20,000

State Prison Commission Organizes. ALBANY, March 5 - The new State Prison ALBANY, March a - Inc new State Prason
Commission, composed of Lispenard Stewart
of New York city, President: State Treasurer
John P Jacekel and State Superintendent of
Prisons C V Coilins, held its first meeting
to-day and organized Mr. Jacekel was
elected Vice-President and George McLaughlin of Monticello, Sullivan county, Secretary.

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Mr. Lynn and Mr. Harburger agreed was the speaker and cited numerous famous inverse who were admitted to the bar on motion without passing a Regents examination. Wafer such he winding two for it until he knew this. The chief engineer was permutative for the chief engineer was permutative for the chief engineer was permutative.

carried to police headquarters. He gave carried to police headquarters. He gave his name as Michael Kiernan, and said he lived at 721 Coney Island avenue, Flatbush. It took four policemen to put him in the padded cell, the only unpadded pars of which is the lock on the door. As soon as the policemen left him Kiernan dashed his head against the lock, making several ugly gashes. Police Surgeon Arlitz was summoned and found Kiernan weak from loss of blood. Dr. Arlitz diagnosed his case as delirium tremens and ordered his removal to St. Mary's Hospital.

The police say that Kiernan belongs to a prominent family in Canton, Ohlo, and was on a visit to friends at the Flatbush address.

Court Calendars This Day.

Court Calendars This Day.

Appellate Division—Supieme Court—Nos. 7, 8, 9, 10, 12, 14, 14, 17, 28, 26, 28, 38, 36, 36, 42

Supreme Court—Special Term—Part I.—Motion calendar called at 10, 30 A. M. Part II.—Ex parter matter. Fart III.—Clear. Divorces—Nos. 2638, 2428, 2436, 2437, 2438, 2460, 2461, 2462, 2468, 2672, 2672, 2672, 2673, 2676, 2681, 2682, 2684, 2688, 2671, 2672, 2673, 2676, 2681, 2682, 2684, 2688, 2671, 2672, 2673, 2676, 2681, 2682, 2684, 2683, 2861, 2684, 2678, 2678, 2676, 2681, 2682, 2684, 2683, 2861, 2684, 2678, 2678, 2678, 2678, 2678, 2678, 2681, 2684, 2678, 2680, Demurrer—No. 1569. General calendar—Nos. 1466, 1937, 1938, 1303, 1046, 1277, 1317, 1317, 1318, 1401, 1440, 1450, 2089 14, 2682, 2175, 2076, 2309, 2364, 1878, 1853, 1891, Part IV.—Case unfinished. Cases from Part III. Part V.—Clear. Cases from Part III. Part V.—Clear. Cases from Part III. Part V.—Clear. No. 336, Iden vs. Manhattan Hallway. Company. Trial Term. Fart II.—Case. unfinished. Nos. 7910, 8618, 9180, 7774, 9047, 9050, 9051, 9052, 9053. Part III. Case unfinished. Nos. 2878, 7438, 8489, 7186, 7733, 5116, 5272, 8138, 5331, 2344, 2503, 2550, 2574, 8077. Fart IV.—Case unfinished. Nos. 2878, 7438, 7489, 7186, 7735, 5116, 5272, 8138, 5331, 2538, 2244, 2503, 2505, 2574, 8077. Fart IV.—Case unfinished. Cases from Part III. Fart V.—Clear. Cases from Part VIII. Case unfinished. Cases from Part VIII. Fart V.—Clear. Social for Par

Court of Appeals Calendar.

Court of Appeals Decisions. ALRANY, March 5.— The Court of Appeals to day handed down the following decisions: Shepard, appellant, vs. Boulevard Land Co. Huil, truster, vs. Wilcox: motions to dismiss appeals granted

trustee, vs. Wilcox: motions to diamiss appeals granted with costs.

Gallager vs. Kesting, Commissioner of Highways: Hine, receiver, vs. Van Derteek, appellant motion to piace on calendar denied, \$10 costs.

Cook vs. White, appellant motion to piace on calendar granted, without costs.

Weidman vs. Everard, appellant motion to diamiss appeal granted, with \$10 costs.

Hannon vs. Siegel Cooper Company: motion to advance granted and case advanced to its proper place on the calendar.

Lawrence, appellant, vs. Dawson, motion to advance granted on condition that the case be submitted with No. 329, without costs.

Zipp vs. Baker, appellant: motion to make plain tiff's grantee a party defendant denied, \$10 costs.

Ervls, appellant, vs. Elmira, Corolland, and Northern Railroad Company; motion to open default granted without costs.

Crolly vs. Meldon: motion to advance granted. iffi's grantee a party defendant denied, \$10 costs.
Ervis, appellant, vs. Elmita, Cortinal and Northern Railroad Company, motion to open default granted without costs.
Crolly vs. Meldon: motion to advance granted without costs.
In re judicial settlement of Sullivan, appellant, vs. Evans: order affirmed with costs against the appellant personally in re application of O'Sullivan, appellant, vs. Civil Service Commissioners of New York: order affirmed without costs.
People' ex. rei. Tracy, appellant, vs. Woodruff, Commissioner of Land Office, appeal dismissed with costs.
Chilit.

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"The best preparation for colds, coughs, and asthma." MRS. S. A. WATSON, Temperance Lecturer. " Pre-eminently the best " REV. HENRY WARD BEECHER.

SHOT HIS SWEETHEART 20 YEARS Amistant District Attorney Pierce Decides Not

to Take Keating's Case to a Jury. Assistant District Attorney Pierce consente. vesterday to accept a plea of guilty of man daughter in the first degree in the case of Michael Keating of 24 Peak slip. He Indorsed n the indictment

I have learned recently that Juries do no accept the version of the District Attorne however honest and however fortified it may be, and I believe that it would probably be the interests of justice to accept a plea : the interests of justice to accept a plea of mansiaughter in the first degree." providing that the Court would inflict the full pensity Keating killed his sweetheart. Mary Smith, at her mother's home in Cherry street on Nov. 10, 1900, by shooting her. The only witness was a teny-var-old deaf and duminister of the victim, who cannot communicate with any one except through her brother, as she does not know the deaf and dumb siphabet.

bet.
Keating, who is 19 years old, was sent to
State prison by Judge Cowing for twenty
years, the full penalty.

SHORT RATIONS: SHIP MUST PAY. Legal Aid Society Gets 87 Apiece for Five Poorly Fed Sailors.

Five able seamen of the American bark Virginia, which arrived on Saturday from Brazil, complained to Lawyer Abbott, counse for the seamen's branch of the Legal Aid Sociate that because of the hard Society, that because of the bark's pro-longed voyage she ran short of provisions and that for seven days they had to live en bread and coffee.

The case was taken before Shipping Com-missioner Dickey, who ordered Capt. Cates of the Virginia to pay \$7 to each man for their deprivation.

New West Shore Ferryboat on Trial With a party of one hundred or more railroad men on board as guests the new double deck screw ferryboat West Pointmade her trial trip yesterday afternoon from the Ho-boken yards of the W. & A. Fletcher Company. boken yards of the W. & A. Fletcher Company, who built the boat's engines and boilers. The trip was down the lay to Staten Island and then up the North River to Spuyten Duyvil and back. The trip was satisfactory to the builders and the railroad men. The West Point is to run between Franklin street, this city, and Weehawken, to connect with the West Shore Hailroad. She is the first screw boat to be added to the ferryboat fleet in the service of the New York Central Railroad Company. She has double compound engines and her boilers are to carry 140 pounds steam pressure. Her length over all is 20s feet and the breadth over the guards is 85 feet.

No Needless Delay in Tunnel Work. In regard to the action of the West En Association in appointing a committee to se that the Boulevard section of Broadway is not obstructed by the work on the Subway Chief Engineer Devo of the Subway Construc-tion Company said yesterday that he saw to just cause for complaint with the way the work was being done. "Excavations have been closed as soon as

"Excavations have been closed as soon a practicable in every case. Sub-Contractor Bradley will finish up the Boulevard section as soon as he can. It is to his interest to do so. The chief difficulty thus far has been that the work has called for much that is new to the contractors, and a good deal of time has been spent in learning just how things could be done most effectively. But in every case we have kept clearly within our legal rights.

Coler Treasurer of Police Pension Fund.

Corporation Counsel Whalen sent to Comptroller Coler yesterday an opinion as to the new duties incumbent upon the Comptroller as financial agent of the Police Department as financial agent of the Police Department. The Corporation Counsel holds that the Comptroller falls held to all the powers and functions of the treasurer concerning the Police Pension fund and that the single commission was still authorized "to have charge of and administer" the fund because that function belonged to the old board. The Comptroller becomes the chief pur chasing agent of the department, as the treasurer formerly was. Mr. Whalen points out that the Charter requires the treasurer of the pension fund to give \$100,000 bonds.

Henry L. Wilson, United States Minister to Chili, was a passenger aboard the steal ship City of Washington, which arrived yes terday from Colon. He will stop at the Hote Manhattan a few days and then will go washington to pay his respects to the Pre-cent. He said that everything is quiet in Calli.



CARL H. SCHULTZ DELIVERED DIRECT AT THOUSANDS OF CARL H. SCHULTZ RESIDENCES IN GREATER NEW YORK CARL H. SCHULTZ